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Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Special Fund established by the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Note by the Secretary-General

Summary

The present note provides information on the status of the Special Fund established by the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

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I. Introduction

A. Submission of the report

1. The present report was prepared in accordance with General Assembly resolution 68/156, by which the Assembly encouraged contributions to the Special Fund established by the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Optional Protocol), and requested the Secretary-General to report to the Human Rights Council on the operations of the Fund. The present note complements the report of the Secretary-General on the activities of the Fund, submitted to the General Assembly at its sixty-eighth session (A/68/281).

B. Mandate of the Special Fund

2. The Special Fund was established pursuant to article 26 of the Optional Protocol, to help finance the implementation of the recommendations made by the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment following a visit to a State party to the Optional Protocol, as well as education programmes of national preventive mechanisms.

3. It receives voluntary earmarked contributions from Governments, intergovernmental and non-governmental organizations and other private or public entities.

C. Management of the Special Fund

4. The Special Fund is administered by the Office of the United Nations High Commissioner for Human Rights (OHCHR), in accordance with the Financial Regulations and Rules of the United Nations.

D. Eligibility criteria

5. Applications may be submitted by State institutions of those States parties visited by the Subcommittee and who have agreed to the publication of the Subcommittee report, and the national preventive mechanisms of these States parties. Furthermore, applications may also be submitted by national human rights institutions compliant with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles) and by non-governmental organizations, if the proposed projects are to be implemented in cooperation with eligible States parties and/or national preventive mechanisms. Only applications relating to recommendations contained in those Subcommittee visit reports that have been published in accordance with article 16, paragraph 2, of the Optional Protocol, and hence are no longer confidential, are considered.

II. Activities of the Special Fund

A. 2013 project cycle

6. The second call for applications to the Special Fund, for grants for projects to be implemented in 2013, closed on 15 October 2012. For this call, specific thematic priorities

by country were identified by the Subcommittee during its seventeenth session, held in Geneva from 18 to 22 June 2012.

7. In accordance with the guidelines for applications, the secretariat of the Special Fund conducted an extensive evaluation of the 30 project proposals in the light of the thematic priorities identified, taking into consideration the outcome of informal consultations held with members of the Subcommittee, and awarded eight grants to projects aimed at implementing recommendations made by the Subcommittee in six eligible countries — Benin, Brazil, Honduras, Maldives, Mexico and Paraguay — for a total of US$ 277,588.78. Details of the grants awarded can be found in the annex.

B. Call for applications 2014

8. The call for applications for 2014 closed on 20 November 2013. For this call, specific thematic priorities by country were identified by the Subcommittee during its nineteenth session, held in Geneva from 18 to 22 February 2013. In addition, projects addressing any other specific recommendation in the visit reports that detailed a pressing and compelling need could be considered.

9. Applicants could request grants of up to US$ 35,000 for project activities to be implemented between 1 January and 31 December 2014.

10. A total of 24 applications were received concerning six of the seven eligible countries (Benin, Brazil, Honduras, Maldives, Mexico and Paraguay). The evaluation process is currently under way.

III. Financial situation of the Special Fund

11. At the time of writing, two contributions had been received during the period since the last report of the Special Fund of the Council, namely US$ 10,000 from Argentina and US$ 125,000 from the Netherlands.

12. The current financial situation of the Special Fund will allow for completion of the 2014 project cycle. Further contributions should be received in the first semester of 2014 in order to ensure the sustainability of the activities of the Fund into 2015.

IV. Making a contribution

13. Contributions to the Special Fund may be accepted from Governments, intergovernmental or non-governmental organizations, private-sector organizations and the public at large, in accordance with the Financial Regulations and Rules of the United Nations. Only un-earmarked funds may be accepted.

14. Contributions to the Special Fund should always be marked "Payee: Special Fund established by the Optional Protocol to the Convention against Torture, account CH". Payments may be made either by bank transfer (a) in United States dollars to the UNOG General Fund, account No. 485001802, J.P. Morgan Chase Bank, 270 Park Avenue, 43rd floor, New York, NY 10017, United States of America (Swift code: CHAS US 33; bank number: (ABA) 021000021; (b) in euros to the United Nations Office at Geneva, account No. 6161600934, J.P. Morgan Chase AG, Grueneburgweg 2 – 60322 Frankfurt am Main, Germany (Swift code: CHAS DE FX, bank number: (BLZ) 50110800, IBAN: DE78 5011 0800 6161 6009 34); (c) in pounds sterling to the United Nations Office at Geneva, account No. 23961903, J.P. Morgan Chase Bank, 25 London Wall, London EC2Y 5AJ, United Kingdom of Great Britain and Northern Ireland (Swift code: CHAS GB 2L, bank number:

(SC) 609242, IBAN: GB68 CHAS 6092 4223 9619 03); (d) in Swiss francs to the United Nations Geneva General Fund, account No. 240-C0590160.0, UBS AG, rue du Rhône 8, case postale 2600, CH-1211 Geneva 2, Switzerland (Swift code: UBSW CH ZH 80A; bank number: 240; IBAN: CH92 0024 0240 C059 0160 0); (e) in other currencies to the United Nations Geneva General Fund, account No. 240-C0590160.1, UBS AG, rue du Rhône 8, case postale 2600, CH-1211 Geneva 2, Switzerland (Swift code: UBSW CH ZH 80A; bank number: 240; IBAN: CH65 0024 0240 C059 0160 1); (f) or by cheque payable to the United Nations, addressed to the Treasury, United Nations, Palais des Nations, CH-1211 Geneva 10, Switzerland.

15. Donors are requested to inform the Donor and External Relations Section of OHCHR when a payment has been made (including a copy of the bank transfer order or of the cheque) to facilitate effective follow-up to the official recording procedure and preparation of reports of the Secretary-General.

V. Recommendations

16. **Governments, intergovernmental and non-governmental organizations and other private or public entities are strongly encouraged to contribute to the Special Fund, in order to provide it with the resources required to carry out its mandate.**

17. **The current financial situation of the Special Fund will allow for completion of the 2014 project cycle. Further contributions should be received in the first semester of 2014 in order to ensure the sustainability of the activities of the Fund into 2015.**

Annex

Projects approved under the call for applications for 2013

[Total grants for 2013: US$ 297,934.10; 8 projects approved out of 30 admissible applications]

	Country	*Project summary*	*Applicant*	*Grant amount (United States dollars)*
1.	Benin	Implementation of recommendations of the Subcommittee concerning protection of children deprived of their liberty in Benin	World Organisation Against Torture (OMCT) in partnership with Enfants Solidaires d'Afrique et du Monde	44 428.00
2.	Brazil	Implementation mechanism for the prevention of torture and other cruel, inhuman or degrading treatments or punishments in Minas Gerais	Minas Gerais State Human Development Secretariat	47 712.50
3.	Brazil	Rio de Janeiro state plan to prevent and combat torture	State Preventive Mechanism of Rio de Janeiro	28 600.00
4.	Honduras	Legal reform and support to the national preventive mechanism (NPM) in Honduras	Regional Office of the Association for the Prevention of Torture (APT) in Panama	30 405.00
5.	Maldives	Support the Maldives NPM for effective implementation of Subcommittee and NPM recommendations	Human Rights Commission of Maldives (NPM)	15 703.60
6.	Mexico	Training in combating torture for the Mexican judiciary in partnership with OHCHR, Subcommittee members and key national justice institutions	International Bar Association's Human Rights Institute (non-governmental organization)	46 855.00
7.	Paraguay	Contribution to the development of public policies aimed at the prevention of torture and cruel, inhuman or degrading treatment within the purview of the judiciary	Supreme Court of Justice	34 230.00
8.	Paraguay	Strengthening human rights capacities of the Public Prosecutor	Training Centre of the Office of the Public Prosecutor	50 000.00
	Total grants for 2013			**297 934.10**

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Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

United Nations Voluntary Fund for Victims of Torture

Note by the Secretary-General

Summary

The present note provides information on the activities of the United Nations Voluntary Fund for Victims of Torture, notably the recommendations adopted by the Board of Trustees of the Fund at its thirty-eighth session.

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I. Introduction

A. Submission of the report

1. The present note was prepared in accordance with General Assembly resolution 68/156, and complements the report of the Secretary-General on the activities of the Fund which was submitted to the General Assembly at its sixty-eighth session (A/68/282). This note presents updated information on the activities of the United Nations Voluntary Fund for Victims of Torture (the Fund), notably the recommendations adopted by the Board of Trustees of the Fund at its thirty-eighth session which was held in Geneva from 30 September to 4 October 2013. Information on the recommendations adopted by the Board of Trustees at its thirty-seventh session, held in Geneva from 4 to 8 March 2013, can be found in the above-mentioned report to the General Assembly.

B. Mandate of the Fund

2. The Fund receives voluntary contributions from Governments, non-governmental organizations and individuals. In accordance with the mandate of the Fund outlined in General Assembly resolution 36/151, and the practices established by the Board of Trustees since 1982, the Fund provides grants to established channels of assistance, including non-governmental organizations, associations of victims and of family members of victims, private and public hospitals, legal clinics, and public-interest law firms and individual lawyers that submit projects involving medical, psychological, social, financial, legal and humanitarian or other forms of assistance to victims of torture and members of their families.

C. Administration of the Fund and composition of the Board of Trustees

3. The Secretary-General administers the Fund through the Office of the United Nations High Commissioner for Human Rights (OHCHR) with the advice of the Board of Trustees, which is composed of five members who act in a personal capacity and are appointed by the Secretary-General giving due regard to the principle of equitable geographical distribution and in consultation with their Governments. On 26 October 2011, the Secretary-General reappointed Mercedes Doretti (Argentina) for a final term of three years, and appointed Maria Cristina de Mendonça (Portugal), Morad el-Shazly (Egypt) and Anastasia Pinto (India) for a three-year term, renewable once. On 28 October 2013, the Secretary-General appointed Adam Bodnar (Poland) to replace Natasa Kandic, following the latter's resignation.

4. Pursuant to recommendations formulated by the Office of Internal Oversight Services in its 2007 audit report on the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery, as from 1 January 2012 the secretariats of the Fund and of the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery were placed within the Human Rights Treaties Division of OHCHR (Capacity-building and Harmonization Section). On 1 April 2013, the secretariat of the Special Fund established by the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment was placed in the same section.

II. Management of grants

A. Admissibility criteria

5. Project admissibility criteria are outlined in the guidelines for the Fund, which were revised at the thirty-sixth session of the Board of Trustees, in 2012. The guidelines require a project to be presented by an established channel of assistance, including non-governmental organizations, associations of victims and of family members of victims, private and public hospitals, legal clinics, public-interest law firms and individual lawyers. The beneficiaries must be direct victims of torture or direct family members. Priority is given to projects providing direct assistance to torture victims, which may consist of medical or psychological assistance, help with social or financial reintegration through vocational training for victims, and various forms of legal assistance for victims or members of their families, including assistance in seeking redress or applying for asylum. Depending on the resources available, the Fund may finance projects to organize training programmes, seminars or conferences to allow health-care professionals or other service providers to exchange best practices. Grant requests for projects involving investigation, research, studies, publications or other similar activities are not admissible.

6. The Fund can provide emergency assistance. This type of request is examined according to specific procedures outlined in the guidelines for the Fund. Detailed information on the various types of assistance provided through the projects financed by the Fund, as well as their impact on beneficiaries, can be found in the report of the Secretary-General to the General Assembly at its fifty-eighth session (A/58/284, paras. 27–34).

B. Monitoring and evaluation of grants

7. Pre-screening visits to projects are undertaken systematically before a grant is awarded. Regular monitoring visits to ongoing projects are also scheduled to assess the implementation of the projects funded. In the reporting period, an internal guide on how to conduct visits to projects that have been funded or are to be funded was developed by the secretariat, in order to enhance verification methodology and coherence. In 2013, 34 such visits were undertaken by the secretariat of the Fund, 11 by members of the Board of Trustees, 35 by OHCHR field presences, and 3 by OHCHR desk officers.

8. In the reporting period, the joint secretariat has continued to align the working methods of both Funds with a view to heightening cost-effectiveness and sharing best practices. These efforts were noted with satisfaction by the respective Boards of Trustees and have yielded closer working relationships with staff deployed in OHCHR field presences.

III. Financial situation of the Fund

9. From 2008 to 2011, the annual voluntary contributions to the Fund decreased dramatically by 30 per cent ($3.6 million), amounting to $7.9 million in 2011. This negative trend appears to have come to a halt in 2013, although the Fund is still struggling to rise back to a more satisfactory level that would enable it to meet all demands for assistance coming from all regions of the world.

10. As noted in A/68/282, the recommended new funding formula currently being developed by the Board and the secretariat will have an optimal impact if the Fund succeeds in securing $12 million on a yearly basis.

11. The table below shows the contributions received up to the time of writing of the present note in 2013. At the time that the thirty-eighth session of the Board was held, at which grants were recommended for the year 2014, the Fund had available a total of $7,004,000 for grants.

Contributions and pledges received from 1 January to 5 December 2013

Donors	*Amount (United States dollars)*	*Date of receipt*
States		
Andorra	12,983.90	6 September 2013
Argentina	15,000.00	14 February 2013
Austria	110,821.38	5 June 2013
Chile	10,000.00	16 May 2013
Denmark	545,355.00	5 December 2013
Finland	370,860.93	27 September 2013
Germany	717,079.52	12 July 2013
Holy See	1,000.00	7 February 2013
India	24,982.00	22 March 2013
Ireland	111,256.54	3 May 2013
Kuwait	10,000.00	25 February 2013
Morocco	2,000.00	23 October 2013
Norway	113,975.70	27 June 2013
Peru	1,820.00	30 January 2013
South Africa	10,725.57	22 March 2013
United Arab Emirates	10,000.00	7 March 2013
United States of America	5,694,000.00	4 December 2013
Subtotal	**7,761,860.54**	
Private and public individual donors		
University of Dundee	7,968.99	10 May 2013
Nederlands Juristen Comité voor de Mensenrechten (NJCM)	19,526.00	10 April 2013
Individual	135.69	14 October 2013
European Union ambassadors	1,010.75	16 September 2013
European Union ambassadors	1,254.27	22 March 2013
Subtotal	**29,895.70**	
Total contributions	**7,791,756.24**	
Pledges		
Italy	20,352.78	
Liechtenstein	27,563.00	
Turkey	10,000.00	
Total pledges	**57,915.78**	

IV. Thirty-eighth session of the Board of Trustees

12. The thirty-eighth session of the Board was held in Geneva from 30 September to 4 October 2013. The Board examined applications for funding and made recommendations on grants to be allotted to beneficiary organizations for the period from 1 January to 31 December 2014.

13. The amount available for distribution to projects was calculated after deducting programme support costs, the operating cash reserve and the expenditure for non-grant activities from the total amount of contributions received after the thirty-sixth session of the Board, which had been held in October 2012.

14. The Board of Trustees considered a total number of 288 admissible project proposals that were aimed at providing direct assistance to victims of torture and their family members, amounting to $14,968,878.

15. The Board reviewed positively a total of 263 projects in more than 90 countries for a total amount of $6,828,800. Notably, it recommended for a grant 229 ongoing projects aimed at providing direct assistance to victims, for a total amount of $6,223,000; thirty new projects aimed at providing direct assistance to victims, for a total amount of $585,800; and four grants for new training and seminars projects, for a total amount of $20,000.

16. For the third consecutive year, in order to cope with the decreased level of contributions, the Board maintained the caps introduded at its thirty-fifth session held in 2012, in particular the cap of $20,000 for first-time applicants. The Board and the secretariat are cognizant of the need to spread the available resources in a more equitable manner between recently identified projects and long-term beneficiaires. At the thirty-eighth session, measures were introduced to incrementally decrease support to projects that have received support in a consecutive manner for a significant period of time.

17. The Board also recommended setting aside an additional $150,000 for emergency grants to be considered in the course of 2014 through its intersessional procedure. Due to the funding shortage, this is half of the amount earmarked in the previous year for that purpose.

18. The Board recommended that there be continuous focus on the situation across the Middle East and North Africa region. During its thirty-eighth session, the Board held a meeting with Member States during which the head of the Center for Victims of Torture, a beneficiary of the Fund, which assists victims fleeing from the Syrian Arab Republic, gave a poignant testimony of the assistance provided by the Center with the support of the Fund.

19. In the context of recent events in Mali, the Board also recommended support to projects in that country that aim to provide assistance for victims of torture.

Other recommendations adopted by the Board

20. In application of the policy recommendations adopted by the Board at its thirty-seventh session, administrative compliance by grant beneficiaries has been vigorously enforced during the reporting period, particularly in relation to the requirement for the timely submission of financial and audit reports.

21. The Board recommended rebalancing the project portfolio in order to make more funding available for projects operating in the context of new and emergency situations. By so doing, the Board also intends to reverse the trend whereby the average grant size has been reduced. As a first step, the Board has advised the secretariat to make known to beneficiaries that as of the next call for applications, priority for projects will be determined

on the basis of needs, merit, and the number of years that that Fund has provided support to the organization in question.

22. The Board also recommended increasing cooperation with other torture-related mechanisms. During its thirty-seventh session, it met with the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (A/68/282, para. 23). During its thirty-eighth session, it met with the Chairperson of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

V. Making a contribution

23. Governments, non-governmental organizations and other private or public entities can contribute to the Fund. It is important to note that only specifically earmarked contributions are attributed to the Fund. For more information on how to contribute, and details about the Fund, donors are requested to contact the Secretariat of the United Nations Voluntary Fund for Victims of Torture, Office of the United Nations High Commissioner for Human Rights, United Nations, 1211 Geneva 10, Switzerland; e-mail: unvfvt@ohchr.org; telephone: +41 22 917 9624; fax: +41 22 917 9017.

VI. Conclusions and recommendations

24. **The Board of Trustees reiterates its call to donors to increase, as much as possible, their contributions to the Fund, as it needs to attain a more satisfactory level of contributions in order to respond to the need for assistance for victims of torture and the members of their families worldwide.**

25. **The Board estimates that the Fund would need to receive $12 million on a yearly basis in order to respond adequately to new and emergency situations, such as that currently unfolding in the Syrian Arab Republic and its neighbouring countries. Contributions should be received before September 2014.**

26. **The Board stresses that contributing to the Fund is a concrete translation of the commitment of States towards the elimination of torture.**